

Previous references.

File No.

190 4

28 of 03-04

(1 & 2)

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 142

PART B. FOR July

SUBJECT.

T. H. bills of Mr S. R. Subbarayer
Dist & Sessions Judge Bangalore

FILE No. 28 of 03-04. <i>Travelling Allowance Bills of Mr. S. R. Subrayar, District Judge, Bangalore.</i>	
✓ 1	From the Registrar, Chief Court of Mysore, letter No. 7315-326, dated 20th June 1904. Submits for orders copy of letter No. 2054-478, dated the 6th April 1904, from Mr. S. R. Subrayar together with copies of correspondence between the latter and the Comptroller in regard to the disallowance under Article 515 (c) of the Mysore Service Regulations, of Rs. 17-2-0 from the District Judge's travelling allowance bills for January and February 1904. Enclosures 3.
2	To the Registrar of the Chief Court of Mysore, Government Proceedings No. Fl. 333-4—S. & A. 28 of 03-04, dated 18th July 1904. States that the retrenchment made by the Comptroller is in accordance with the rules on the subject.

P. & A. 1166-1205, dated the 19th December 1903.

GENERAL AND REVENUE SECRETARIAT.

(Section IV)
Financial.

NOTES.

File No. 28 of 1903-04

FILE HEADING.

Travelling allowance bills of Mr S. R. Subbaraya
Iyer Bt Judge of Bangalore ~~for the month~~

From

The Registrar of the Chief Court of Mysore

No. 7315 Dated 20-6-04 Received 24-6-04
326

Diary No. B.A. 1878

Enclos. 3

Spare Copies.

Serial No.

BRIEF ABSTRACT OF LETTER.

Submits for order copy of letter No. 2054 dated 6th April 1904 from
478
Mr S. R. Subbaraya Iyer together with copies of corr^{ce} between him^{self} & the
Comptroller in regard to the disallowance under art 515(c) of the M.S.R.
of Rs 17-2-0 from the Judge's travelling all^{ce} bills for Jan'y & Feb'y 1904.

NOTES AND ORDERS.

Sub^d for order.

903

577/04. Mr. Subbaraya Iyer went from Bangalore to Chickballapur
for sessions work and performed the whole journey by road.
As part of the journey from Bangalore to Doddballapur should
have been performed by rail under art 515(c) of M.S.R.

General and Revenue
Secretariat.

File No.

of 190

Serial
No.

the Comptroller disallowed the excess claim. Mr. Subbaraya Iyer's contention is that if he ^{had} travelled by rail from Bangalore to Dodballapur, he would have had to take his conveyance also by rail at the expense of the Govt. to be used by him for the road journey from Dodballapur to Chickballapur and that the allowance that could have been claimed by him for such journey would have been more than the amount of the bills retrenched by the Comptroller. Under G.O. No. PTA 1166-1205 of 19-12-03 he can not take, when making ordinary journey on tour, his conveyance at the expense of Govt. His view that he had to use his conveyance at Bangalore & required it also at Chickballapur and that his case is therefore of the exceptional nature kind referred to in the G.O. in which an officer requires "for the discharge of his official duties, to make use of his horses in one place immediately or very shortly after having had to use them in the public service in another place" is undeniable as the use by an officer of his conveyance at his head quarters is only for his convenience and not in the interest of the public service. The use in public service contemplated in the G.O. is that of a conveyance taken by an officer when out

Flag A.

on law on duty -

The Chief Court however recommend that in Cases of this kind, some discretion may be allowed to the Travelling Officer. The grant of any such discretion would interfere with the freedom which the Audit Officer should have in examining charges which come up for audit.

Submitted to the Secretary

nmk

5/7/04 Please draft - an
order according to rules
& regulations.

8/7/1904

Draft
nmk
8/7/04

Draft sent.

nmk
12/7/04

Draft - passed

13.7.1904

N 7315
326

(1) Pa 2 1878

Bangalore 20th June 1904.

W
From

V. A. Rajaratna Moodelliar Esq.
Registrar, Chief Court of Mysore

To,

B. K. Venkatardengar Esquire,
Secretary to the Government
of Mysore.
Genl and Revenue Dept.

Sir.

I am directed to forward for
the orders of Government copy of
letter no 2054 dated 5th April 1904
478
from Mr. S. A. Subbaraya Iyer Dis-
trict Judge of Bangalore, together
with copies of correspondence between
him and the Comptroller in regard
to the disallowance of Rs 17-2-0 from
the Judge's travelling allowance bills
for January and February last.

The

The Comptroller has disallowed
the sum on the ground that Mr. Lab-
haraya Esq. should have gone to
Shikharapur by rail via D. S.
halapur. (Article 515 (c) Mysore
Service Regulations). Though there
is railway communication up to D. S.
halapur, no direct public conveyances
are available at that place to proceed
to Shikharapur. If the judge's car-
riage and horse were sent from
here to D. S. halapur for the road
journey from there it would have
cost more. It appears to this Court
that in cases of this kind some
discretion may fairly be allowed
to the travelling officer.

I have the honor to be,

Sir

Your most obedient servant,

Bhagat - Prasad

Registrar.

1903-04.

4
from:S. R. Subbaraya Iyer Esquire
District Judge
Bangalore

To,

V. A. Rajaratna Muralidhar Esquire
Registrar of the Chief Court of
Mysore, Bangalore.

Dated 6 April 1904 Camp Kolar

No 2054 Encls: no 4
478

Sir

In forwarding copies of correspondence which passed between me and the Comptroller relative to the disallowance of Rs 8-10-0 + 8-8-0 or Rs 17-2-0 from my Travelling Allowance Bills for January and February last, as also the bills in question, I have the honor to state that the route chosen by me for going to and returning from Chikballapur is really the cheapest, and that the Comptroller was not justified in having disallowed Rs 8-10-0.

Yr

in one bill and P 8-8- in another.
 Whether the route in question is the
 cheapest or not will depend on the
 construction that has to be put on
 the Government Order No P & H 1166-1205
 dated 19th December 1903, relative
 to the conveyance of horses and
 carriages by rail, at the cost of the
 State. The Comptroller seems to
 think that under the Government
 order in question, I am not entitled
 to take a carriage and two horses
 but I contend that I am. In the
 Government order, it is observed
 that "the rule is intended to meet the
 more or less exceptional case of an
 officer requiring for the discharge of
 his official duties, to make use of
 his horses or camp equipment in one
 place immediately or very shortly
 after."

after having had to use them in the
 public service in another place, and
 who is, therefore, obliged in the in-
 -terests of the public service to convey
 them by Railway or Steamer, and
 this is exactly the case with me. I
 was on duty at Bangalore, and
 of course required the use of my car-
 riage and horses, during my stay
 at Bangalore until the day of starting
 on the tour of inspection, and similarly,
 when I returned to Bangalore, they were
 indispensable to me, and if I had
 travelled via Doddaballapur, as the
 Comptroller desires me to have done,
 I could not have secured the use
 of my carriage and horses except
 by despatching them by railway
 to and from Doddaballapur, when
 going to Chikaballapur and
 returning

6
returning from it. If I had despatched
them by railway, as under the terms
of the Government order. I submit, I
had a right to do the travelling
Allowance would have amounted
to more than what I have now ac-
tually charged in the Bill. If the
construction of the Comptroller were
held to be sound, then it would
be tantamount to the rescission
of the sanction granted to me by
the Chief Judge and Government
to my taking a carriage and
two horses under the provision of
article 518 A of the Mysore Service
Regulations, and I can no longer
take my carriage and horse either
for Sepoys work to Tumkur or
Kolar, or to Mysore during Sasara

or other occasions. If, as I think, the Comptroller is wrong, in his interpretation of the Government order, then he is bound to pass the Bills in question, without any reduction since the amounts charged therein are less than what I would otherwise be entitled to claim.

2. I may also add that the Comptroller has not been acting consistently in not having passed my bills, for other similar bills he has passed; and when I drew his attention to the inconsistency, he has nothing to say, but maintains discreet silence.

3. It is also not clear on what principle he has disallowed Rs 8-8- in one bill, and Rs 8-10- in another.

4. I beg, therefore, that the Chief Judge

judge will be pleased to submit
the matter with his strong support,
for the favorable consideration and
orders of the Government, and of
the Comptroller's order disallowing
Rs 8-10- from my Travelling
Allowance Bill for January and
Rs 8-8- from the bill for February,
rescinded.

I have, Sir,
(Signed) L. R. Sukharaya Esq
District Judge.

"Copy."

V. Narasimhaiah
Registrar.

No: $\frac{1892}{477}$ E,

District Judge's Court, Bangalore
Dated 9th March 1902.

From

S. R. Subbaraya Esq. Esq.
District Judge
Bangalore

To

Henry Eagles Esquire
Comptroller in Mysore
Bangalore

Sir

In returning my travelling
allowance bill for January last,
in which your Assistant has
disallowed under (C) 5-15 of
the Mysore Service Regulations
Rs 8-10-0. on the ground that
I should have gone to Chickballa-
pur by travelling via Doddaballa-
pur by railway and then by 16
miles of road, I have the honor
to state that if, as suggested,
I

I had to travel, the charges
 would have amounted to —
 Rs 25-2-6 as shown in the margin.
 Your assistant has overlooked the
 fact that without a carriage and
 2 horses I could not conveniently
 have travelled beyond Doddaballa-
 pur and that they were indispen-
 -sable. I had to go to Chickbala-
 -pur expeditiously and the
 journey by road direct to it
 was the most convenient and
 cheapest. I may also add that
 your office has on former occasions
 passed without objection simi-
 -lar bills submitted by
 others and the objection
 now taken is taken for the
 first time to my knowledge,

Rs 14-6-0 — Double first class railway fare etc
 Rs 5-0-6 for carriage
 Rs 5-12-0 for 2 horses
Rs 25-2-6

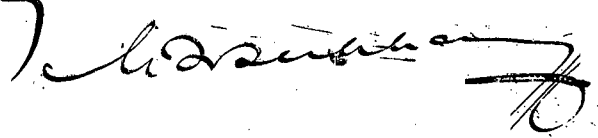
and

and as above shown without
sufficient reason. I do not
know why an exception should
now be made against me

2. I trust therefore that
the matter may be reconsidered
and that you will be so good
as to pass the bill as originally
framed and countersigned
by the Chief Judge

I have etc

(Signed) L.R. Subbaraya Iyer
District Judge

'Copy' 
District Judge
D. M. S.

Special audit department - Travelling^g allowance

No. 54392,
Ta 59

Office of the Comptroller of Mysore
Bangalore 24th March 1904

From

H. Eagles Esquire

Officiating Comptroller of Mysore

To

S. K. Subbarama Iyer Esquire B.A.

District and Sessions Judge

Bangalore.

Sir,

With reference to your no. $\frac{892}{477}$
dated 9th instant, requesting me to
reconsider the disallowance of
Rs 8-10-0 made in your Travelling
allowance bill for January 1904,
I have the honor to state that the
bill has been audited and passed
for the amount admissible under
the rules. I do not think that the
cost of conveying a carriage and
2 horses by rail from Bangalore
to

to Doddaballapur to be used from the latter place to Chickballapur, could be charged to Government (Vide Government Proceedings No: 1166-1205 dated 19th December 1908) and it is therefore not an element to be taken into calculation in comparing the charges for the journey by the 2 different routes.

The bill in question is herewith returned.

I have etc

(Signed) Henry Eagles
Officiating Comptroller

'copy' to Comptroller

to District Prof.
C.
ss.

G.R.S. 28]

P/A 1878

File No.

Serial No.

Diary No. of letter replied to P/A 1878Proceedings of the Government of His Highness
the Maharaja of Mysore.GENERAL AND REVENUE
SECRETARIAT.

(II)

Salaries & Allowances

, the

190

Date of issue

18th July '04

Signed by

M. N. Krishna Rao

READ.—

Letter No. 7315 dated the 20th June 1904 from the Registrar of the Chief Court of Mysore sub 9 for orders copy of letter No. 2054 dated the 6th April 1904 from Mr S. R. Subbarna Iyer together with copies of correspondence between him and the Comptroller in regard to the disallowance under art. 515(c) of the M. S. Rules of Rs 17-2-0 from the date of all bills for 1904 and Feb 1904.

ORDER THEREON.—No.

No. 333-4 0418-7-'04
54A-128-'03

Mr Subbarna Iyer went from Bangalore to Chikballapur for sessions work and performed the whole journey by road. As part of the journey from Bangalore to Chikballapur should have been performed by rail under art. 515(c) of the M. S. Rules, the Comptroller disallowed the excess claimed.

SUBJECT

15
Mr Subbaraya Iyer ^{contents} ~~contends~~ that if he had travelled by rail from Bangalore to Doddballapur, he would have had to take his conveyance also by rail at the expense of ~~the~~ Govt to be used by him for the road journey from Doddballapur to Chikballapur and that the all^{ce} that could have been claimed by him for such journey would have been more than the amount of the bills retrenched by the Comptroller. Under G. Pro. No. Pta 1166-1205 dated the 19th Dec^r 1903, he ^{could not have} ~~cannot~~ taken, when making ordinary journeys on tour, his conveyance at the expense of Govt. His ~~own~~ ^{contention} that he had to use his conveyance at Bangalore and ~~required it~~ ^{is untenable} ~~again~~ also at Chikballapur ~~and that~~ ^{for} his case ~~is therefore of the~~ ^{is untenable} ~~exceptionable kind referred to in~~ the ~~Govt order in which an~~ ^{is untenable} ~~officer requires "for the discharge~~ of his official duties, to make use of his horses in one place immediately or very shortly after having had to use them in the public service in another place" ^{is untenable} as the use by an officer of his conveyance at his headquarters

GENERAL AND REVENUE
SECRETARIAT.

(Continuation Sheet draft form.)

If an officer while using a conveyance ^{on} public duty is required to take it to another place also for public duty, it is only then that he can charge for the taking of the conveyance from one place to another. Therefore the retrenchment made by the Comptroller is in accordance with the rules on the subject.

headquarters is only for his convenience and not in the interests of the Public Service. ~~The use in public service con-~~
~~templated in the Government~~
~~order is that of a conveyance~~
~~taken by an officer when out~~
~~on tour on duty. The Chief Cash-~~
~~ier however, recommended that, in~~
~~cases of this kind, some discretion~~
~~may be allowed to the travelling~~
~~officer. The grant of any~~
~~such discretion would interfere~~
~~with the freedom which the~~
~~audit officer should have in~~
~~examining charges which~~
~~came up for audit. In these~~
~~circumstances, the Govt. of~~
~~H. H. the Maharaja deem it~~
~~imperative to sanction the~~
~~recommendation of the~~
~~Chief Cashier.~~

13.7.1904

offg Secy

muk

13/7/04

muk 12/7/04

To The Registrar of the Chief Cash.
The Comptroller in Mysore

MM

12/7/04

Copyd. attached
Examined - 12/7/17
16/7/17